

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

HAROLD KING,

Civil No. 12-2870 (JRT/AJB)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

WHOLE FOODS, INC.,

Defendant,

Harold King, 3605 France Avenue North, Robbinsdale, MN 55422, pro se plaintiff.

Based upon the Report and Recommendation by United States Magistrate Judge Arthur J. Boylan [Docket No.2], along with all the files and records, and no objections to said Recommendation having been filed, **IT IS HEREBY ORDERED that:**

1. Plaintiff's application to proceed in forma pauperis, (Docket No. 2), is DENIED; and
2. This action is DISMISSED pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

LET JUDGMENT BE ENTERED ACCORDINGLY

DATED: January 4, 2013
at Minneapolis, Minnesota

s/John R. Tunheim
JOHN R. TUNHEIM
United States District Judge